

**MINUTES  
TOWN OF FORT MILL  
BOARD OF ZONING APPEALS  
December 15, 2014  
6:00 PM**

Present: Jim Thomas, Jay McMullen, Becky Campbell, Jody Stegall, Ryan Helms, Terri Murray, Planning Director Joe Cronin, Assistant Planner Chris Pettit

Absent: Rhonda McCall

Guests: Michael Fling Sr., Jackie Fling

Chairman Thomas called the meeting to order at 6:00 pm and welcomed everyone in attendance.

Chairman Thomas welcomed Ms. Murray, who was recently appointed to the board by town council and was attending her first meeting.

**APPROVAL OF MINUTES**

Mr. Thomas noted a typo on page 3 of the minutes. The word “use” should instead be “house.” Thomas made a motion to approve the minutes of the October 20, 2014, meeting, with the correction of the typo noted above. Mr. Stegall seconded the motion. The motion was approved by a vote of 6-0.

**PUBLIC HEARING ITEMS**

1. **Variance request from Michael Fling Jr. (114 Yorktowne Street):** Assistant Planner Pettit provided a brief overview of the applicant’s request, the purpose of which was to allow an attached carport within the 35’ front yard setback along the frontage of the neighboring cul-de-sac.

Chairman Thomas opened the public hearing.

Mr. Michael Fling Sr., the father of the applicant, spoke on behalf of the applicant, Michael Fling Jr. Mr. Fling stated that the existing house is over 40 years old and does not meet the same setback requirement which is being applied to the proposed carport. Since the existing home was grandfathered from the current setback requirement, the applicant was seeking permission to install the new attached carport using the same or similar setback to that which has been used for the house. Mr. Fling added that the sloping topography of the lot would make it difficult to locate the carport elsewhere on the property.

Mr. Thomas noted that there was an existing garage at the rear of the house and wondered why the applicant needed to install a carport. Mr. Fling stated that the existing garage was currently being used for storage, and may be converted to living space in the future.

Mr. McMullen noted that the slope was only 4-5 feet along the rear of the house, and questioned why the applicant couldn't just install a retaining wall and fill in the slope. This would allow the proposed carport to meet the 35' setback requirement, and eliminate the need for the variance. Mr. Fling stated that the property could be filled and graded, but that it would likely be financially prohibitive to do so. Mr. McMullen stated that he thought that this would be a reasonable option, and that the board should be careful when considering financial issues related to a variance request.

Mr. Stegall asked why the carport couldn't be located elsewhere on the property where a variance would not be required. Mr. Fling stated that the applicant wanted to locate the carport in an area where he could walk directly between the carport and the home without being exposed to the elements. Mr. Fling added that the applicant may wish to add on to the home in the future as well.

Ms. Murray questioned whether moving the location of the carport would affect the value of the property. Ms. Jackie Fling, the mother of the applicant, said that it would affect the property value, and spoke in favor of the request.

Chairman Thomas asked if anyone else wished to comment on the request. There being no further discussion, Chairman Thomas called for a motion.

Mr. Thomas stated his belief that there were other options to locate a carport on the property without the necessity of a variance, and therefore, he did not believe that the request met the four criteria required by state law. Mr. Thomas made a motion to deny the request. Mr. Stegall seconded the motion. The motion to deny was approved by a vote of 6-0.

## **ITEMS FOR INFORMATION/DISCUSSION**

1. **Case #2014-419 Update:** Assistant Planner Pettit asked for clarification of a motion approved during the October meeting to allow a 6' wooden privacy fence in the front yard at 400 Unity Street. Assistant Planner Pettit stated that the original motion was to allow a variance for the fence; however, the motion contained a provision that if Duke Energy possessed a power line easement at the front of the property, the fence would need to be located outside the easement. Assistant Planner Pettit added that while Duke does claim a 30' easement along the power line, Duke does not object to the location of a 6' fence within the easement. Assistant Planner Pettit stated that if the board's intent was to require the fence to be set back from the easement regardless of whether it was allowed by Duke, then the board would not need to take any further action and the property owner would be instructed to move the fence back approximately ten feet. If, however, the board's intent was to require a setback only if Duke objected to the location of the fence within the easement area, then a subsequent review and public hearing should be held to amend the original motion.

Mr. McMullen stated that it was his intent for the fence to be moved outside the easement area only if Duke objected to its location within its easement. Mr. McMullen made a motion

to reconsider the request during the January meeting. Mr. Stegall seconded the request. The motion was approved by a vote of 6-0.

2. **Unified Development Ordinance Update:** Planning Director Cronin provided an update regarding the ongoing development of a Unified Development Ordinance. Town staff prepared a Request for Proposals (RFP) in order to obtain a consultant group to assist the Town in the creation of a Unified Development Ordinance, an ordinance which combines all land development regulations into one, easy-to-read ordinance. The Town received eight proposals from consultant groups, of which four groups were invited to present their proposals to a staff review team. The review team selected the top consultant group (LSL Planning) via a unanimous decision, and town council approved a contract during its December 8<sup>th</sup> meeting. A steering committee will be formed to assist with the process and will include the Planning Commission, the Chair of the Board of Zoning Appeals, and the Chair of the Historic Review Board. Various opportunities will also be provided for board members and the public to participate in the process.
3. **Board Member Training Opportunity:** Planning Director Cronin stated that planning staff from the Town of Fort Mill and City of Tega Cay were putting together a continuing education training session for the month of January. Pursuant to state law, board members must complete at least 3 hours of continuing education each year. The training was scheduled to take place on Thursday, January 22, 2015, in the Spratt Building. Additional details will be emailed to board members in the coming weeks.
4. **January Meeting Date:** Planning Director Cronin stated that the next meeting date was scheduled for January 19, 2015, which is also a town holiday (Martin Luther King Day). Staff recommended rescheduling the meeting to Tuesday, January 20<sup>th</sup>. Chairman Thomas asked whether there was any objection to changing the date. There was no objection, and the meeting date was rescheduled.
5. **Review of Board of Zoning Appeals Training Materials:** Prior to the meeting, planning staff had distributed a copy of a presentation that was made at the SC Planning Association Conference in Myrtle Beach in October. The topic of the presentation was on the role of Boards of Zoning Appeals and the legalities related to the variance process. Board members and town staff discussed various elements of the presentation. Chairman Thomas thanked staff for sending the information to board members, and stated that he found the material to be very informative.

There being no further business, the meeting was adjourned at 6:59 pm.

Respectfully submitted,

Joe Cronin  
Planning Director